IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3494 OF 2005

IN

CRIMINAL APPEAL NO. OF 2005

IN

C.C.NO.22/CW/96

Shri G.S.Arekar ...Applicant

Versus

Suresh B.Ghadge & Anr. ...Respondents

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Mr.D.N.Salvi for Applicant.

Mr.Hakim Salim for Respondent No.1.

Ms.Ghadhavi, A.P.P. for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

NOVEMBER 16, 2005.

P.C.

1. The delay computed by the Office is 116 days, which, however, is disputed by the Applicant. According to the Applicant, the delay, at best, would be of 31 days. It is, however, submitted that the assumption on the basis on which the

present Application is filed, is inappropriate.

2. The present Application proceeds on the basis that the limitation provided was only 60 days, whereas, the limitation ought to be six months in the fact situation of the present case in terms of Section 378(5) of the Criminal Prcedure Code. I find substance in this submission. If limitation of six months is to be reckoned, then, there is no delay.

3. Accordingly, this Application is granted in terms of prayer clause (a).

A.M.KHANWILKAR, J.